Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Modernizing the FCC Form 477 Data Program	)	WC Docket No. 11-10
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COMMENTS OF SACRED WIND COMMUNICATIONS, INC.

Sacred Wind Communications, Inc. ("Sacred Wind") respectfully submits these comments in response to the August 4, 2017 Further Notice of Proposed Rulemaking in the referenced proceeding seeking comment on provider experiences with the FCC's current data collection practice on the Form 477 and potential changes to those practices.[1]

INTRODUCTION AND SUMMARY

Sacred Wind applauds the Commission's inquiry regarding methods to improve upon current data collection methods with the goal of obtaining more accurate and reliable data on fixed broadband services for purposes of supporting decision-making efforts affecting those services. With that in mind, Sacred Wind is mindful of the significant burden that more granular data collection methods would have on small, rural providers. As discussed more fully below, a number of the proposed Form 477 data collection practices would pose significant complications

[1] Further Notice of Proposed Rulemaking, *In the Matter of Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10 (rel. Aug. 4, 2017)("Form 477 FNPRM").

for tribal areas, such as those served by Sacred Wind, which are characterized by sparsely populated, expansive geographic territories and physically challenging topography.

DISCUSSION

A. Background on Sacred Wind

Sacred Wind is a privately owned, New Mexico-based corporation formed in 2004 to introduce basic telephone and broadband services to the many thousands of unserved and underserved homes on the Navajo Reservation and near-Reservation lands in New Mexico, as well as to Navajo schools, businesses, and government locations, such as local Chapter houses. Sacred Wind is the only non-tribally owned rural local exchange carriers ("RLEC") in the country wholly dedicated to serving a Tribal community, having developed a basic local and broadband infrastructure over a vast unserved Tribal area of the West.

In 2006, the company acquired from Qwest Corporation ("Qwest") a portion of Qwest's service territory comprising approximately 3,200 square miles in northwestern New Mexico on the Navajo Reservation and near-Reservation lands known as the "checkerboard," as well as limited Qwest copper loop facilities in this territory. Sacred Wind serves a population of approximately 23,300, ninety-eight (98) percent of whom are Navajo citizens.

The population density of its service territory is about 7.3 people per square mile, one of the most sparsely populated areas in the country. Tribal areas, such as those served by Sacred Wind, are characterized by sparsely populated, expansive geographic territories and difficult topography. Sacred Wind provides fixed broadband service to mainly residential customers, many of whom do not have actual service addresses. Sacred Wind files the semi-annual form 477 to report required data regarding its broadband service to end-user premises.

B. Sacred Wind Agrees that the Commission Should Eliminate the Separate Reporting of Available Data for Businesses and Mass Market Services

Currently, Sacred Wind reports fixed broadband deployment data to the Commission via the Form 477 by census block and classifies whether such deployments are for "mass market/consumer" services and/or "business/enterprise/government" services. Under the current FCC Form 477 requirements, carriers offering business/enterprise/government services must either report: (1) the maximum downstream and upstream contractual or guaranteed data throughput rate available in each reported census block; or (2) if the carrier does not have a contractual or guaranteed data throughput rate (i.e., "best efforts" services), the carrier reports the maximum downstream and upstream contractual or guaranteed data throughput rates as "0".

Sacred Wind falls into the latter category of carriers who do not have contractual or guaranteed throughput rates and, thus, reports "0" on their Form 477, because they offer best effort services in their rural territory to their business/enterprise customers. In Sacred Wind's experience, best efforts are typical of the level of service offered to businesses in rural areas, who generally receive the same broadband speeds as residential customers. While the broadband speeds are the same, businesses may receive higher customer support levels, such as 24 hour response requirements for service outages. Since broadband speeds in rural areas generally do not vary between residential and business/enterprise customers as both customers are provided best effort service, Sacred Wind agrees with the Commission that it should eliminate the separate reporting of available contractual or guaranteed data throughput rates for business/enterprise/government services, as it provides no meaningful purpose, especially for carriers in rural areas.

C. The Additional Fixed Deployment Data Suggested by the Commission is not Readily Available and Would Therefore Fail to Provide an Accurate Picture of Fixed Deployment Availability

The Commission seeks comment on whether to require fixed broadband providers to indicate three categories of service areas for each technology code: (1) areas where the existing and total customer base served by a particular technology could, and would, be readily increased within a standard interval upon request; (2) areas where existing customers are served, but there is no ability for the existing technology to accommodate additional customers; and (3) areas where there are no existing customers for a particular technology, but new customers will be added within a standard interval, upon request. It is Sacred Wind's position that the reporting of the above-requested information would provide inaccurate data to the Commission, as such data is highly variable for Sacred Wind and relies upon strategic deployment determinations, which are often updated on a variable basis. Moreover, in many instances, Sacred Wind may not have readily available data on whether technology could be deployed in order to accommodate additional customers. Sacred Wind's deployment strategies focus on specific areas and may not necessarily extend to the whole of Sacred Wind's potential service area on a census block level. The system-wide information requested by the Commission would be significantly burdensome for Sacred Wind to collect and such information could change based on variable strategic initiatives.

A significant portion of the burden in reporting this information comes from the lack of resources available to small, rural operators, such as Sacred Wind, who would need to outsource collection of the information on a system-wide basis. A Geographic Information System ("GIS") platform, if implemented by a company, could assist in the effort to collect such information, but implementation, deployment and management of such platform is cost prohibitive for smaller customers and would require the hiring of locally available personnel with the skill sets to

complete the tasks, who are often hard to locate. Since a GIS platform does not typically represent a cost-effective and achievable solution for smaller companies, a company like Sacred Wind would have to outsource those activities at a substantial and burdensome cost.

Due to the current unavailability of the requested information and the significant cost that would be associated with (1) purchasing, implementing and maintaining the necessary platform needed to produce such information, or (2) requiring costly outsourcing, Sacred Wind does not support requiring Form 477 filers to produce such information.

D. Current Collection Methods and the Forms of Data Collection Suggested in the FNPRM Raise Concerns about Accuracy and Burdensome Production Requirements for Small, Rural Providers

As discussed in the FNPRM, currently the Commission collects fixed broadband deployment data on a census block level. Now, the Commission seeks feedback on whether it should seek more granular data as part of the Form 477 submission process. In general, Sacred Wind does not oppose the submission of data on a more granular level. However, current collection methods and the forms of data collection suggested in the FNPRM raise concerns for Sacred Wind and its ability to provide the Commission with accurate information.

As a general matter, the Commission's current "text based format" collection method for Form 477 submission does not lend itself to the collection of data on a more granular level. While the submission of reports in a "text based format" is not overly burdensome, the verification process for such submissions prior to filing is time-intensive and would only worsen should the Commission require more granular details. If the Commission were to seek the submission of more granular detail, the submission process for reports should be updated to a more functional technology. The Commission should publish or make available web-based geographical tools and template GIS data sets needed to make reporting less burdensome for

small, rural carriers, and the Commission should move away from text file submissions, or text entry web solutions. A simple web-based solution with the level of granularity desired by the Commission, and a defined data dictionary complete with limiting parameters for each data entry field would relieve much of the burden on rural carriers.

The Commission also seeks comment on giving fixed-broadband providers the option of reporting deployment data by filing geospatial data showing coverage areas rather than filing on a census block level. Sacred Wind agrees that providing deployment data by filing geospatial data may be helpful. However, Sacred Wind urges the Commission to evaluate how such collection would be deployed and to provide more instructions for submissions involving the technical portions of geospatial data to ensure accuracy.

If the Commission were to require the collection of more granular data, the collection requirements should be limited to census-designated areas or Urban Areas. For areas that are not considered High Cost, such as remote, rural areas, collection of more granular detail would be difficult to obtain and likely result in inaccurate data. For these areas, the Commission should consult with other agencies that already collect such information, such as agencies involved in Enhanced 911 data assigned by local addressing authorities in order to collect more household-level point data. The state of New Mexico, for example, has made 911 data available online for public download in the form Environmental Systems Research Institute ("ESRI") shapefiles.[2] These comprehensive point datasets for fixed locations that have valid physical addresses are available through the E-911 initiative. The Next Generation 911 ("NG 911) architecture replaces the Master Street Address Guide ("MSAG"), which is a single database table, with a GIS based Location Information Service ("LIS"). State agencies initiating or utilizing NG 911 systems

[2] See The New Mexico Resource Geographic Information System Program available at http://rgis.unm.edu/.

within the state have access to GIS data with accuracy standards oriented to first responders. Access to this already accumulated NG911 data could be used to help carriers, such as Sacred Wind, provide information to the Commission on a more granular level that is accurate.

Without this data, Sacred Wind would rely on internal GPS collection methods, which are highly dependent on a disciplined survey standard. In rural areas, such as those served by Sacred Wind, field GPS data collection efforts are consistently hampered by physical barriers from obstacles such as locked gates, aggressive dogs, and abandoned dwellings. As a result, it is often impossible for Sacred Wind to physically place the GPS device in the proper location necessary to achieve accurate GPS coordinates. This known limitation adds to the post field work required to correct GPS coordinates with alternative geolocation methods. Correcting the coordinates with aerial photography does provide an additional method for locating structures, but in rural locations the aerial photography is outdated and the structure type or condition is difficult to distinguish.

Goecoding does not present a viable alternative for providers, such as Sacred Wind, who service customers on the Navajo Reservation. Despite years of effort by the Navajo Nation to build a rural addressing database, the geocoding servers available in the public sphere do a very poor job of properly locating geographical points for addresses on the Navajo Reservation. If the Commission were to require geocoding of all addresses, then the data submitted for portions of the Navajo Nation would most likely be inaccurate and require extensive correcting prior to submission to the Commission. This would pose a significant burden on Sacred Wind of both time and resources.

The Commission should look to other federal agencies for the collection of data and analysis, such as the Census Bureau and the Bureau of Labor Statistics. The International

Telecommunication Union ("ITU") published a manual for measuring information and communications technology ("ICT") access and use by household and individual, which outlines the role of regulatory agencies in coordination with the Census Bureau and the Bureau of Labor Statistics in gathering data for varying purposes, such as the collection of data on broadband deployment.[3] If it is the Commission's intent to carry forward the role of the National Broadband Map as the measure of the deployment of infrastructure, then such data collection must be a concerted effort of federal agencies to ensure that the collected data is accurate and usable.

CONCLUSION

Sacred Wind agrees with the Commission that access to more granular detail on broadband deployment would be helpful to the Commission on future broadband policy determinations. Sacred Wind, however, urges the Commission to take into the account the difficulty that small, rural carriers and especially carriers serving Tribal lands may have in obtaining, verifying and ultimately submitting such data to the Commission. In addition, Sacred Wind encourages the Commission to use already-established and existing agency resources to supplement and assist with the data collection efforts, so the burden is not singularly on small, rural carriers who have already limited resources.

[3] Manual for Measuring ICT Access and Use by Households and Individuals, 2014, available at http://www.itu.int/en/ITU-D/Statistics/Pages/publications/manual2014.aspx.

Respectfully submitted,

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